

EJIDO LAND:
HOW LOW-INCOME GROUPS GAIN ACCESS TO URBAN LAND
A CASE STUDY OF TEGUCIGALPA, HONDURAS

by

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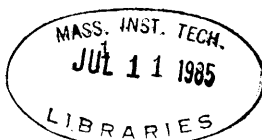
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Submitted to the Department of Urban studies and Planning on May 28, 1985 in partial fulfillment of the requirements for the Degree of Master in City Planning for Developing Areas.

ABSTRACT

This thesis looks at the informal mechanisms of land acquisition by low-income groups in the Capital of Honduras, Tegucigalpa. The mechanisms of land acquisition and illegal land subdivision are examined in relation to the city's landownership structure, which is based on privately held land called the hacienda and publicly held land called the ejido. The historical evolution of ejido lands, leading to its acquisition by private parties, forms the foundation of the present illegal housing situation in Tegucigalpa. Low-income groups acquiring privatized ejido land through invasion constantly claim its former public function. Two case studies illustrate the role ejido land plays in organizing land invasion. Invasion is accentuated by both the tolerance of the political system and the legal ambiguities behind ejido administration. Government agencies informally support the process of invasion while a variety of political organizations identifying themselves with low-income groups promote their own interests through the legal ambiguities. An efficient administration of ejido lands for low-income groups depends on a redefinition of the role ejido lands can play in the urban development process of Tegucigalpa.

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Title: Assistant Professor of Urban Planning

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BIBLIOGRAPHY

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I N T R O D U C T I O N

During the last two decades, migrants have added to the growth of Tegucigalpa, the capital of Honduras, at a rate exceeding twice its natural growth. This trend continues to increase the demand for space citywide in a pattern which is more favorable to long established groups than low-income populations.

While the housing shortage affects almost all income groups, the shortage of land affects primarily three sectors: the private, the Government, and the low-income populations. In their pursuit of shelter objectives, these sectors have developed under dissimilar conditions. The private and Government sectors acquire land under the same legal and economic system. This system is based on official land regulations and public finance policies.

The private sector acquires land for commercial projects from private landowners. These projects are directed to middle and high income groups. In recent years, this sector has evolved into a system integrating several agents of the real estate business, such as landowners, planning firms, construction companies, and real estate firms. The Government sector also purchases land from individual landowners. It directs its production to low-income groups.

The land demand of both the private and Government sectors encourage speculation in undeveloped land, which

reinforces land acquisition in the third sector, low-income groups.

Low-income groups acquire land in two ways. In the first way, land is acquired formally, either through participation in government projects or through purchase of private housing. In the second way, access is illegal because land is acquired outside the formal, legal mechanisms of land transactions. Direct land invasion, plot-purchase in illegal subdivisions, and squatting are typical informal ways of acquiring land.

Tegucigalpa's landownership structure, as it has evolved through history, determines the dual system of land acquisition. Landownership falls into two categories: ejido and Hacienda. Ejido land is public land, administered by the city Government since colonial times. Hacienda lands are privately owned estates. Typically, both Government housing and private housing occur in Hacienda lands, whereas informal acquisition takes place in Ejido lands.

In this paper the dual system of land acquisition is equated with the legal situation of ejido and hacienda lands. Hacienda lands have always been legal documented as private possessions, therefore, haciendas provide the proper land on which formal, legally based land transactions occur.

On the other hand, ownership of ejido lands has constantly been challenged. There are two types of disputes over ejido land; each type of dispute arises from a different tenure situation. One type includes those ejidos held by the

city government since the turn of the century. These ejidos have, over time, been acquired by private parties. Presently, low-income groups claim the public function of these lands; these groups invade these lands to solve their housing problems.

The second type of dispute centers on ejido lands which are encircled by hacienda lands. Currently, low-income communities of rural origin reside in these ejidos. In the early part of the century, national authorities granted these communities the rights to these lands by issuing communal titles. The administration of these lands was the responsibility of the city government. However, the city government transferred only parts of these lands to the communities because hacienda landlords legally opposed further transfers.

Ejidos of both tenure situations have, over time, been acquired by private parties through "suppletory title". Supletory title is based on a legal provision called "prescription", which states that individuals who have held ejido land continuously for 10 years can acquire legal rights to the land.

Low-income communities claim these ejido lands from private parties. These communities assert their rights to ejido, based on the laws giving right of ejido ownership to communities, challenging the rights of ejido given to private individuals through suppletory title. It is the dispute between these two parties that leads to invasion on the part

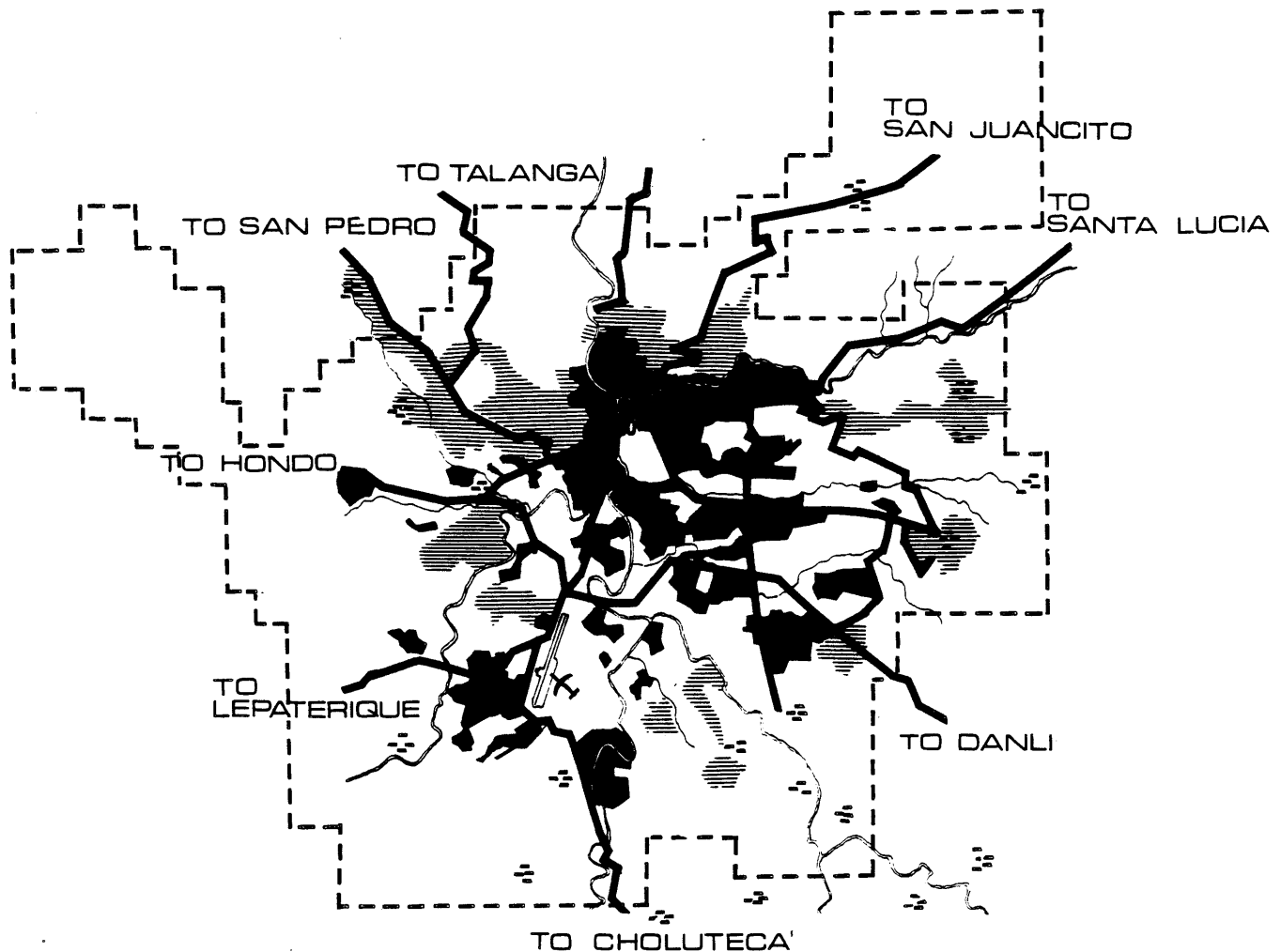
of low-income groups and illegal land subdivisions on the part of ejido landowners.

A large percentage of Tegucigalpa's low-income population has gained access to land through illegal subdivisions or invasions. Low-income groups can hardly afford private housing, while the government provides a small amount of low-income housing in the city. Low-income groups must resort to informal mechanisms of acquiring land.

This paper focuses on how illegal land subdivisions are accentuated by both the political and the legal systems. Five sections divide this paper. Part One reviews the concept of ejido, the nature of its communal rights and how these rights relate to low-income communities. Part Two discusses the acquisition of ejidos by low-income communities and their administration by the city government. The third part looks at the process by which landlords acquire ejido lands as private property, in the context of Government laws. Part four illustrates 2 cases of dispute over ejido lands, and one case of illegal land subdivision. The paper concludes with some policy recommendations.

METROPOLITAN TEGUCIGALPA

POPULATION 450,000
 AREA 129.5 KM²



LEGEND

LOW INCOME SETTLEMENTS

PLANNED DEVELOPMENTS

URBAN LIMITS

HIGHWAYS

RIVERS

ALDEA / CASERIO

AIRPORT



P A R T I

EVOLUTIONARY HISTORY OF EJIDO AND HACIENDA LANDS

This part reviews the evolutionary history of ejido lands and haciendas since the Spaniard colonization of Honduras

A) EJIDO CONCEPT

Ejidos are common use lands. The ejido system of land tenure was brought to Honduras by the Spanish during their colonization in the 16th century,(1). Ejidos were allocated by colonial authorities, the Municipalidad, to local populations for agricultural or farming activities,(2). The municipality administered ejidos to local populations for use as places to live and a means for survival.

The ejido system was merged with the indigenous communal land system of the Indian population colonized by the Spanish. The communal system, unlike the common land system of ejido which implies an ownership right, was based on a concept of free access to land for native communities. This concept has been continuously recalled by low-income groups during their quest for land since the colonization.

(1). The ejido tenure system is typical of feudal agrarian systems that prevailed in Europe during the middle ages. It is basically a communal agricultural system, based on an open field to produce goods and services for the feudal community.

(2). This is the original name of the city government of Tegucigalpa. During the colony, it was also called Alcaldia.

Ejidos played a twofold role in society. Ejidos served as a land banking system, providing lands for the homes of local populations. Ejidos also played a welfare role, providing local populations a source of income. Under the laws governing ejido lands, each individual of a community settled on ejido lands had four rights: to use it, to enjoy its usufruct, possess it, and transfer it to third parties, given authorization by the city government, (3). City authorities administered ejidos on the basis of four principles: Ejidos are inalienable, unprescriptible, indivisible, and non-transferable. In theory, ejidos can never be owned by any private party; ejido is a municipal asset. Native communities were given only the right to settle on ejido lands.

B) HACIENDA LANDS

Hacienda land have their origin in Royal lands, Baldios and Realengos, of the Spaniard colonization. Baldios were unsettled lands where mining and logging activities occurred. Realengos were agricultural estates, next to the cities., (see graph #1). Both Baldios and Realengos supported the colonial economy, (4). Colonial authorities on behalf of the Spanish Crown, controlled realengos and baldios. Realengos contained haciendas, the name given to the only buildings, not land, where the productive activity of the realengo lands occurred.

(3). Under the four rights "possess" means to hold or occupy.

Prior to independence (1813), Spain relinquished its control over baldios and realengos, to the local government, ordering the sale of these lands to private individuals. After independence, Honduran authorities called baldios, national lands. Hacienda estates replaced realengos as privately held lands.

(4). Agricultural production in baldios and realengos was directed to foreign trade and commerce activities.

P A R T II

ACQUISITION OF EJIDOS BY LOW-INCOME COMMUNITIES

A) ADMINISTRATION OF EJIDO

In colonial times, ejido rights were granted by the municipality of Tegucigalpa to both native and Spanish communities, (5). This Municipality allocated ejido lands to spanish communities, pueblos, whenever a city was founded. Typically, pueblos were the largest urban unit populated by Spaniards, (6). On the other hand, native communities were concentrated in either Realengo or baldio lands, providing the labor force for the agricultural economy, (see diagram A). Scattered in the national territory, these concentrations were called aldeas and caserios, (see map of Honduras). Although dependent on colonial authorities, they were socially cohesive, self-governing communities. The colonial municipality recognized these communities as urban units, allocating to each community ejido lands.

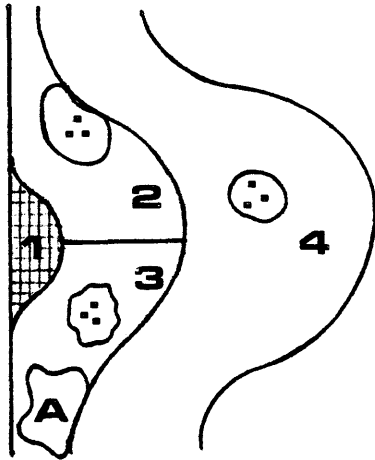
After independence (1821), realengos and baldios were fragmented into private properties. these properties

(5). Spanish communities were called pueblos. Native communities were referred to as comuneros.

(6). The urban hierarchy according to decreasing population size is: pueblos, aldeas and caserios. municipality recognized these communities as urban units,

LAND TENURE SYSTEM

(A) COLONIAL LANDS



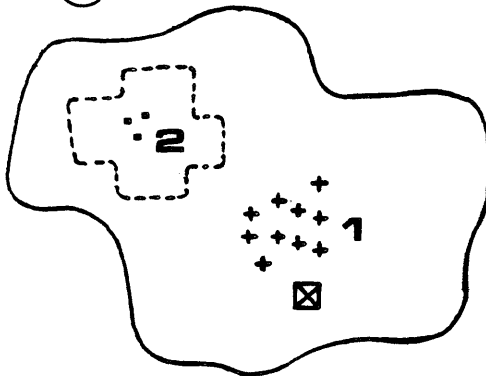
1. SETTLED EJIDO FOR PUEBLOS
2. EJIDO FOR CULTIVATION
3. REALENGO

A HACIENDA LANDHOLDING

4. BALDIO

⊙ EJIDO OF NATIVE COMMUNITIES

(B) HACIENDA



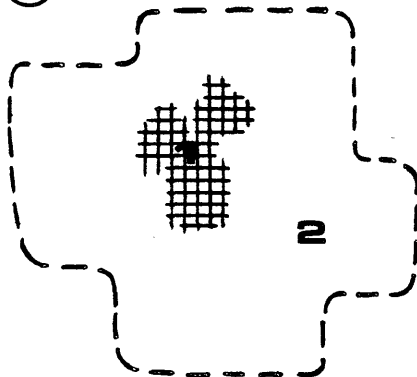
POST-INDEPENDENCE

1. HACIENDA PROPERTY
 2. ALDEA EJIDO
- ~ PROPERTY PERIMETER
 --- EJIDO BOUNDARY

++ AGRICULTURE

⊗ LANDLORD HOUSE

(C) EJIDO



POST-INDEPENDENCE

1. SETTLED LAND (ALDEA COMMUNITY)
2. CULTIVATION LAND

contained both ejidos allocated by the municipality to the Spanish and native communities, and private property called hacienda estates,(7), (see diagram B). Hacienda activities continued to attract the native labourers which settled within the Hacienda property, (see diagram C). These communities eventually became caserios or aldeas, when they grew to a population size necessary for designations as urban units. These communities, unlike those concentrated by colonial authorities, were primarily a labour force hired by Hacienda landlords. The land provision to these communities remained, therefore, under direct responsibility of Hacienda landlords. following the custom of pre-independence these communities, in view of their population size, requested ejido rights from the municipality, even though they were on private hacienda property.

B) WHY EJIDO RIGHTS ARE DISPUTED IN EJIDOS WITHIN HACIENDA LANDS

The ejidos within haciendas were originally settled by native communities working in hacienda lands. These communities, over time, became aldeas and caserios. However, aldeas and caserios on hacienda lands were not legally recognized communities. These communities cultivated the adjoining land for their survival and came to regard the land they worked, and the land in which they lived as belonging to -----

(7). Also referred to as sitios or hatos.

them, (see diagram C). Over generations of settlements on these lands, these communities developed a strong sense of a right to ejido.

Under the law governing the creation of ejidos, once these aldeas had achieved a certain size, they had the right to claim the territory as their common land, (8). For these reasons, these communities requested rights to possess these lands, invoking their right to ejido, from national authorities. The President or the National Congress granted these rights in the form of a communal title, (see chart #1). A communal title meant that the community held the land, not individuals. The title applied to the settlement and the land the community cultivated for their survival, (see diagram C). Over time, as these communities were integrated into the economy of Tegucigalpa, they needed formerly cultivated land as land for housing their growing population in the 1960's. These communities petitioned the municipality to allocate individual parcels of the formerly cultivated land on behalf of individuals within the community. However, these petitions were met by the central authorities. Even though central authorities granted the ejido rights to these communities, the Municipality was to be responsible for documenting the division of the cultivated land into individual parcels. However, the municipal authorities did not transfer these lands from the hacienda properties to the individuals of these communities.

(8). The communities interpreted these laws as if they would be legally recognized as aldeas.

The hacienda landlords objected to a granting of ejido rights to lands within their property. The landlords claimed title to these lands; they rejected the communal title given to the communities by the central authorities.

The legal theory by which landlords, and some other individuals claimed title was "the right of prescription", which is a legal doctrine existing in almost all countries, that will give good title to any person who continuously occupies and uses a piece of land for a certain number of years, even though that land originally belonged to someone else. The theory of "prescription" is that it is in the national interest that all land should be put to good use. If the original owner is not sufficiently interested in his land that he permits someone else to occupy and use it, then the occupier should be rewarded for his efforts by being given title. In Honduran law, continuous use and occupancy without interference by the former owner gives the right of the occupant to make a claim in court that the title to the land be transferred to him.

Although ejido lands, according to pure theory, always belong to the community, and cannot be subject to the process of prescription, there is, in Honduras, and in other countries, a conflict between the concepts of ejido and the right of prescription. As a result, Honduran landlords and private individuals used the prescription doctrine to get land registered in their private names. Representatives of ejido

communities claim, however, that all these registrations are illegal since prescription cannot have an effect when it conflicts with the principle of the inalienability of ejido property. However, many individuals have used prescription, or "Suppletory Title" to "legally" acquire specific parcels within ejido lands the community claimed a right to.

While the dispute over these lands has never been legally resolved, informal negotiations sometimes result in illegal subdivisions. Landlords, through their access to the judiciary system, have retained and subdivided the unsettled lands they contend are within their properties. These subdivisions are the subject of part 4.

P A R T I I I

PRIVATIZATION OF THE EJIDO LANDS OF TEGUCIGALPA AND COMAYAGUELA

The illegal subdivisions of the ejidos of Tegucigalpa and Comayaguela result from their history of gradual privatization that is distinct from the history of the aldea communities claiming ejido rights within Hacienda properties, just decribed.

The ejido of San Miguel de Tegucigalpa is the ejido where the city of Tegucigalpa was founded during the Spaniard colonization. Colonial authorities established this ejido primarily for residential use; it is the first ejido of the city. This ejido did not arise from a claim of native communities, but was created for the citizens of Tegucigalpa. The ejido of Comayaguela was created later. It was assigned to a large labour community working in a large realengo, (9). Over time, this community grew to a size appropriate for designation as a Pueblo. In 1820, the ejido of Comayaguela became the Municipality of Comayaguela. However, since independence, these two ejidos gradually became privatized , (see map #2).

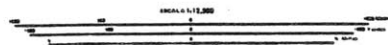
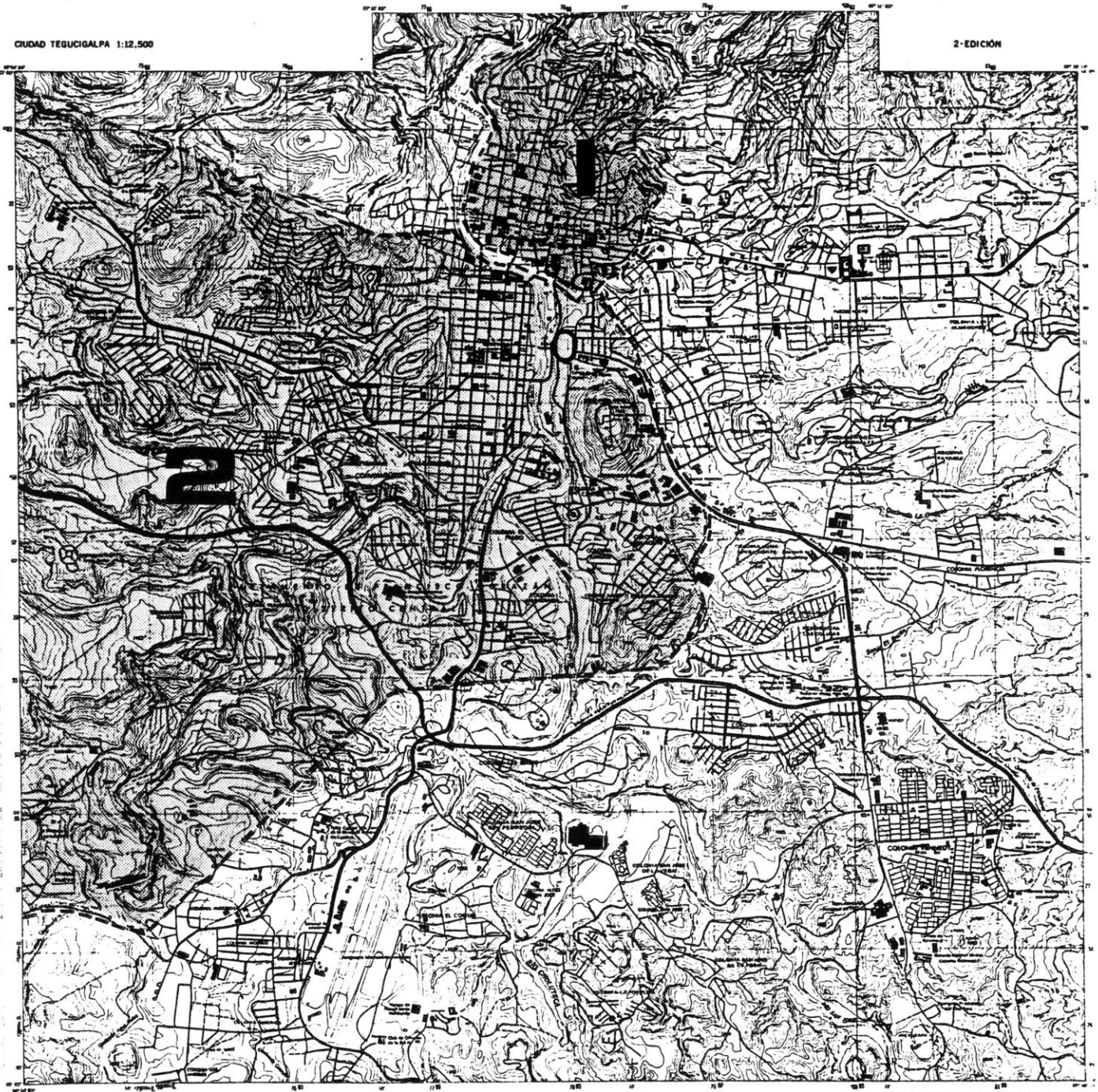
There are three interwoven processes which enabled individuals to acquire lands within these two ejidos as their -----
(9). This ejido was created on a colonial hacienda property.

MAP No 2

TEGUCIGALPA

CIUDAD TEGUCIGALPA 1:12,500

2-EDICIÓN



1978

En Comemoración a los 400 años de Fundación de Tegucigalpa

EDICIÓN PRELIMINAR SUJETO A REVISIÓN

LEYENDA	
SÍMBOLOS CONTOURNIALES	
Altoplanicie	Montañas
Valles	Cañones y barridos
Terreno plano	Cañones y barridos
Terreno ondulado	Cañones y barridos
Terreno montañoso	Cañones y barridos
Terreno muy montañoso	Cañones y barridos

Elaborado por el Instituto Geográfico Nacional

HONDURAS, C. A.

1 EJIDO OF TEGUCIGALPA 2 EJIDO OF COMAYAGUELA

private properties. The first relates to the ways in which the city government allocated ejidos to middle-landlords, (10) The second process leading to privatization is the succession of agrarian laws enacted by the central government, and the third is the process of ejido land acquisition based on legislation protecting land rights of landowners.

A). ALLOCATION OF EJIDOS TO MIDDLE-LANDLORDS

There are two ejidos which the city government closely administered since Independency (11). These are ejidos of San Miguel de Tegucigalpa and Comayaguella. The city government allocated parcels of both ejidos for agricultural purposes to middle-landlords and low-income groups. Typically, low-income individuals received small plots, whereas middle-landlords received large parcels, (see map #2). These allocations were -----

(10). In this paper "middle-landlords" refers to individuals holding ejido lands of medium size. They are distinct from landowners of larger private landholdings.

(11). The administration of these ejidos was originally under the jurisdiction of separate municipalities. The municipality of Tegucigalpa administered three ejidos: "San Miguel de Tegucigalpa", "La Sosa", "La Culebra". The municipality of Comayaguella administered four ejidos: "Comayaguella", "El Quizcamonte", "Aldea Mateo", "Cofradia del Crucificado". All these ejidos were integrated into the city of Tegucigalpa in 1898 when the municipality of Comayaguella became part of Tegucigalpa, the capital of Honduras. Yet, each municipality continued to administer their own ejidos separately until 1938. The national government eliminated the municipality of Comayaguella while adjoining the city of Comayaguella into the municipality of Tegucigalpa. Both cities were united into the administration called "Distrito Central" in 1938.

made conditionally; the allocatees were to return their parcels to the city government when the lands were no longer used for agricultural purposes.

Both low-income individuals and middle-landlords did not, however, return their parcels to the city upon abandoning agriculture. Middle-landlords retained these ejidos for two reasons. First, the city government, in an attempt to solve its fiscal problems, sold these ejidos to private parties. In the second case, middle-landlords either transferred or sold to third parties their ejido parcels without notifying the city government. These transactions violated the laws governing ejido lands;; ejidos can be transferred, but not purchased. However, the law governing ejido lands was superceded by prescription which gives and confirms ownership rights over land possessed continuously for 10 years. Third parties, acquired possession rights to these ejido plots through prescription. Thus, prescription prevented the city government from reclaiming the ejido allocations.

B) AGRARIAN LAWS

The progression of agrarian laws from 1877 to 1924 led to further privatization of the ejidos of Tegucigalpa and Comayaguela, removing these lands from the jurisdiction of the city government. (see chart #2). The first agrarian law,

issued in 1877, established the registry office for recording land transactions in an attempt to regulate the use of ejidos for both agricultural and mining development. The second agrarian law, enacted in 1898, decreed that middle-landlords to whom the city had allocated ejidos were entitled to buy these ejidos, given authorization of the city government. The agrarian law issued in 1924 authorized the city Government to lease ejidos to private individuals on a five-year contract. However, leasers, like the former middle-landlords who acquired ejidos for agricultural activities, never returned these parcels to the city government.

The first registry office, created by the 1877 law, formalized the possession of ejido parcels allocated by the city government. The registry office recorded each parcel as a property. Before this law, there were no records of land fragmentation except for those records of Hacienda properties acquired during the colonization. This registry process was based on several Civil Codes issued by the national government in parallel to each agrarian law from 1877 to 1906.

CHART # 1

EJIDOS CONTAINED IN HACIENDA PROPERTIES

EJIDO	AREA (Hect.)	AUTHORIZATION	YEAR	HACIENDA
La Sosa				El Sitio
La Travesia	570	National Congress	1915	El Molino
Villa Nueva	650	President	1894	Tierra Carranza
Suyapa	40	Agrarian Institute	1960	El Trapiche

CHART # 2

LAWS GOVERNING EJIDO LANDS IN POST-INDEPENDENCE

NAME	YEAR	RIGHTS TO EJIDO
Ley Reglamentaria de Tierras	1835	Use, usufruct and
Ley Reglamentaria de tierras	1836	possession under
Decreto Ley	1846	direct control of
Decreto Ley	1870	the Municipality.
Ley de Agricultura	1877	Purchase by private entrepreneurs
Ley de Agricultura	1898	Purchase by citizens
Ley Agraria	1924	Lease
Ley de Municipalidades	1927	Possession upon paying taxes.

SOURCE: Gomez, Martinez, "La Tenencia de la Tierra en Tegucigalpa", (1979).

C) LEGISLATION PROTECTING LAND ACQUIRED BY MIDDLE-LANDLORDS AND LOW-INCOME INDIVIDUALS

The civil codes protected middle-landlords and low-income individuals' rights of possession on the basis of a legal provision called "Prescription". As described above, this provision of the civil code allowed parties to acquire ownership rights whenever the land had been continuously held for ten years.

The process of registry of these lands favored middle-landlords over low-income individuals holding small plots within the ejidos of Tegucigalpa and Comayagua. When the ejido parcels were allocated originally to both parties, the city government was unable to precisely survey these allocations. Due to the lack of official boundaries, middle-landlords were able to claim lands in excess of the original parcel allocation. Not only were these excess lands taken away from the municipality, which could have eventually given these lands to low-income communities, but low-income individuals could not effectively claim the right to their small parcels.

In an attempt to register lands equitably, the ministry of Justice published the auction of rights in the government journal called, la Gaceta. This journal could assure that low-income individuals would be able to dispute claims made on their plots by middle-landlords. However, most of these individuals are unfamiliar with the process of public action.

D) SUMMARY

Tegucigalpa's urban growth, has taken place in seven ejido lands, and over 20 private properties containing haciendas. Since the colony, the city government has administered three types of ejidos, (11). The first, type includes three ejidos assigned to labourer communities living in aldeas such as Mateo, Quizcamonte, Cofradia del Crucificado. These ejidos will not be discussed in this paper because they are not relevant to a discussion about ejido dispute in the city. The second type includes ejido lands assigned to labour communities within private properties in post-independence years by the city government. These communities were attracted by agricultural activities in Haciendas. These ejidos are: La Sosa, La Travesia, La Culebra/Villa Nueva, and Suyapa. Respectively, these ejidos are in Hacienda El Molino, Hacienda el Sitio, Hato de Enmedio and Hacienda el Trapiche, (see map #2).

The third type includes ejido lands created during the pre-independency period, are not contained within hacienda properties. These pre-independence ejidos were allocated to local populations for residential and agricultural purposes. They are the ejido of "Comayagueta", which became a separate municipality shortly before independence in 1820, and the ejido of "San Miguel de Tegucigalpa", (12). These ejidos

(12). This is the ejido on which Tegucigalpa city was founded in 1574.

contain over seventy percent of illegal land subdivisions in the city. Illegal subdivisions in these ejidos result from their privatization from 1877 to 1975.

During the last decades, low-income groups constantly challenge the privatization of the ejidos of Tegucigalpa and Comayagua. They organize invasions, claiming the social function of ejido lands. The privatization of both municipal ejidos and the ejidos of aldeas and caserios communities within haciendas form the foundation of the present illegal housing situation of metropolitan Tegucigalpa.

P A R T IV

THREE CASE STUDIES

Illegal land subdivisions date from the late 1940's. Their predominance coincides with two factors. The first factor is increased migration to the city as agricultural activity in the northern region of the country slowed down, as mining activities in Tegucigalpa's hinterland declined. The second factor relates to the virtual total privatization of ejidos of "Comayagua" and "Tegucigalpa".

Middle-landlords are the main developers of illegal subdivisions since the early 1950's because they had acquired large parcels of ejido lands. Increased migration increased the demand for these ejido lands which had been acquired by middle-landlords in previous decades. Middle-landlords were able to sell the land at low prices because they did not provide either infrastructure or services. These developments violated city regulations which had established land subdivision norms. These subdivisions are "technically illegal" because they violate land regulations. Unlike low-income communities in ejido lands within hacienda properties, low-income groups who purchased plots from middle-landlords, do not dispute ejido privatization because of their migrant origin. These groups find instead, a ready solution to their housing problem in illegal subdivisions, or through invasion and squatting in other's lands.

Each acquisition mechanism occurs in different land types. Squatting occurs on public lands of marginal value along river banks or steep hills, with high risks of landslides or floods. Invasions, occur in both public and private lands. Illegal, commercially subdivided developments take place in properties once held by middle-landlords, (see photo #1).

During the last decade, low income groups have constantly challenged the privatization of the ejidos of Tegucigalpa and Comayagua. They organize invasions, claiming the social function of ejido lands. The privatization of these ejidos and the dispute over the ejido rights by aldea communities, within hacienda result in illegal land subdivisions.

The following section looks at three case-studies illustrating illegal land subdivisions and land invasion, from the 1950's to the 1980's.

CASE # 1: COLONIA EL REPARTO

Illegal, commercially subdivided developments take place in two types of land. The first type occurs on middle-landlords properties dismembered from ejidos of Comayagua and Tegucigalpa. The second type include private lands of marginal value, namely those dismembered from the private property called "Labradores de la Plazuela", (13).

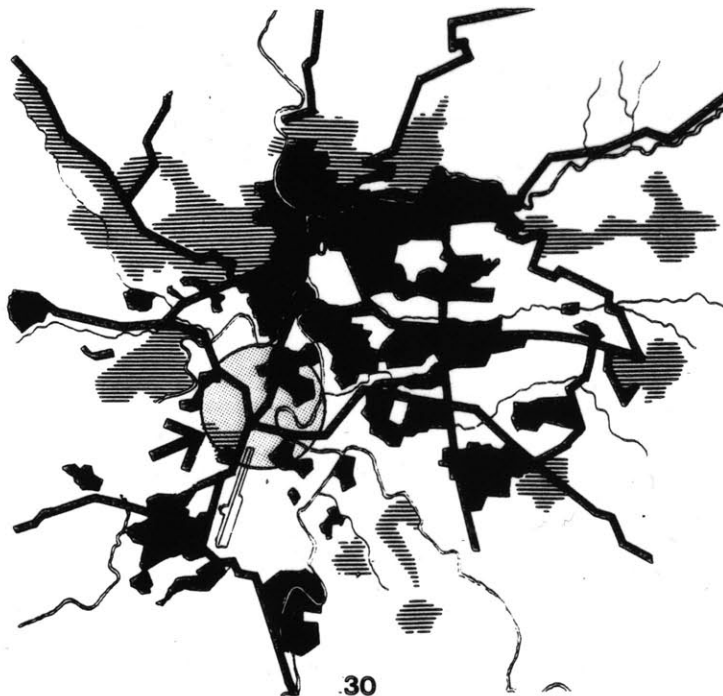
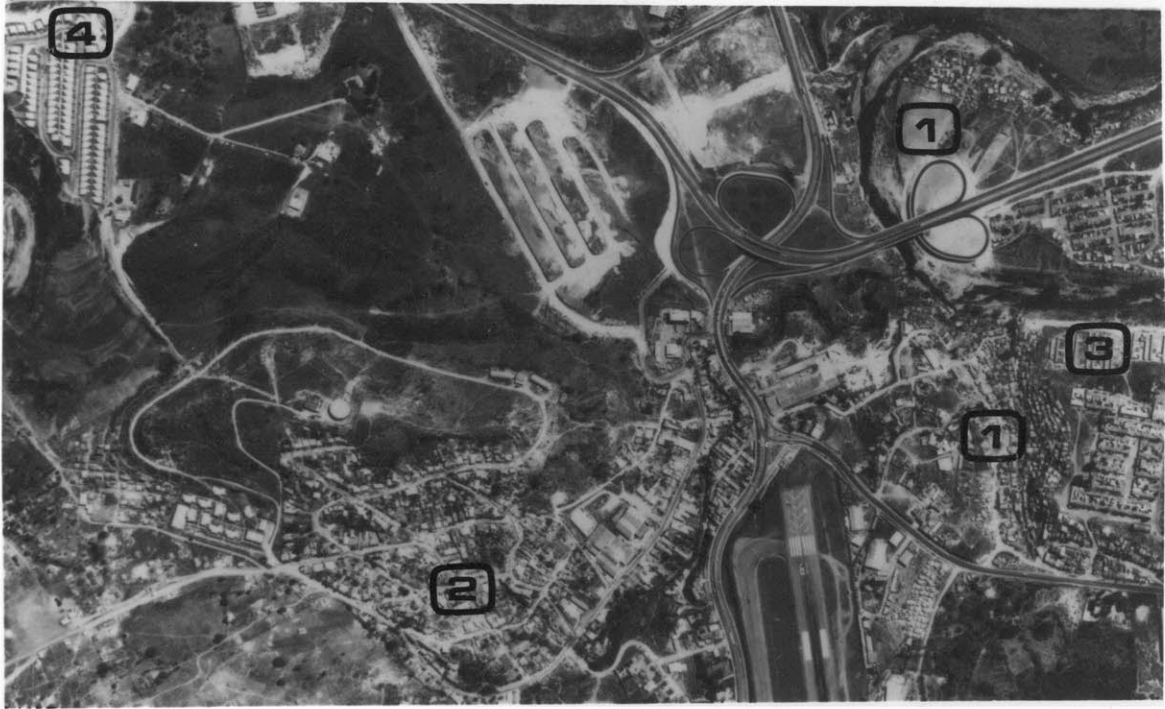
PHOTO No 1

1 SQUATTING

3 PUBLIC HOUSING

2 ILLEGAL SUBDIVISION

4 PRIVATE HOUSING



Colonia "El Reparto" is an example of illegal, commercially based subdivision, (see map #3). It is a pioneer development undertaken by a small private real estate firm. City authorities consider this development illegal because it does not comply with city regulations. The dispute over this subdivision arose from the inability of city authorities to force the developer to provide the site with services and infrastructure. The developer has constantly refused to meet the request of authorities based on official documents attesting to the provision of services on the site. For example in 1950, three agencies, the city government, DC, the water company (SANAA) and the electricity company (ENEE), issued documents stating the developer's compliance with urbanization norms.

At the creation of a community development unit, the DC questioned these documents in the mid-seventies. The community development unit surveyed the site and found a lack of basic services in the site. The DC asked then the developer to provide the basic services, yet this petition was unsuccessful. Again, the developer refused to meet the request questioning the validity of the documents issued by past city authorities.

The individuals who purchased plots in "El Reparto" have, however, managed to bring electricity and water to the site on their own, while the developer continued to sell additional plots in the adjoining land without supplying the services and road infrastructure.

2-EDICIÓN



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EDISON PRELIMINARY SUBJECTS A REVISION

LE VERBA
TENSES CONJUGAISONS ET

Legenda: ☐ Presença ☐ Ausência

Nome: _____

Matrícula: _____

Assinatura: _____

Assinatura do responsável: _____

Assinatura do(a) aluno(a): _____

Assinatura do(a) professor(a): _____

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HONDURAS, C. A.

“EL REPARTO”

Continued violation of city regulations and land use norms suggest the inability of city authorities to exert control over illegal developers. Illegal subdivisions provide housing for low-income groups. While illegal subdivisions are in effect sanctioned by city authorities, they also provide housing for low-income groups.

CASE # 2: ALDEA "LA SOSA" AND CASERIO "LA TRAVESIA".

Aldea "La Sosa" and "La travesia" illustrate the case of how low-income communities settled on ejido lands contained in hacienda properties. These communities have a similar history because of their location on the same ejido. Originally, both these communities were formed by labourers working in hacienda estates. The community of aldea La Sosa worked in hacienda "El Sitio", whereas communities of "La Travesia" worked in hacienda "El Molino".

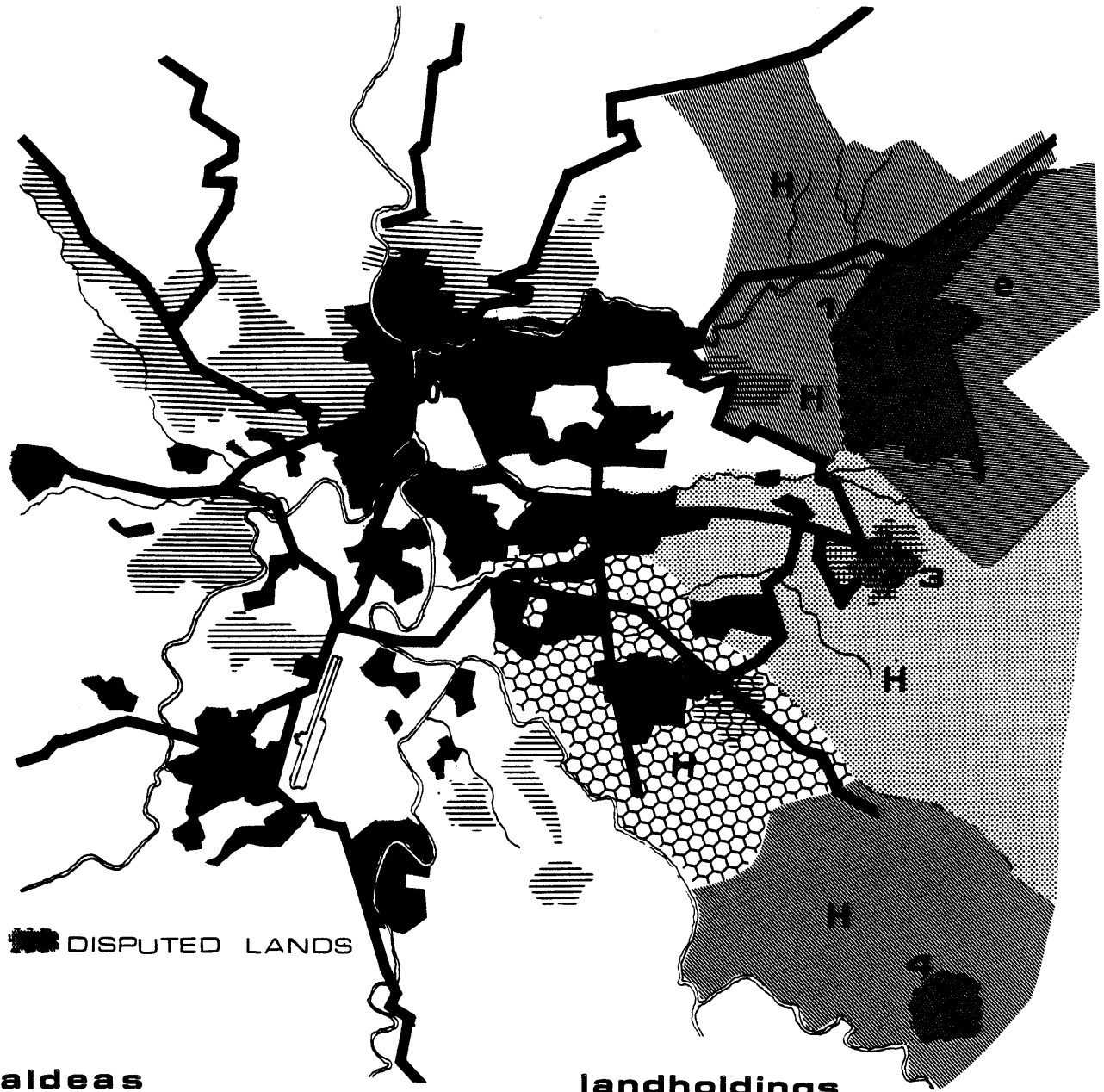
Both haciendas are located in the northwest part of the city, (see map #4). Hacienda "El Sitio" was surveyed in 1856 and registered as private property in 1892. Hacienda "El Molino" was surveyed in 1900 and registered in 1915 as private property, (14).

Both communities are documented as belonging to the

(13). This land was eventually acquired by both low-income communities and middle-landlords through purchase from the city government. It was not registered as ejido land, yet it was partly acquired by native communities living in aldeas.

(14). The ejido title of "La Sosa" was also registered in 1915.

MAP No 4



1 LA SOSA

3 SUYAYAPA

H HACIENDA LAND

2 LA TRAVESIA

4 VILLA NUEVA

e EJIDO LAND

municipality of Tegucigalpa in 1895. These communities underwent rapid growth in the early century and they requested ejido rights from the municipality. This petition was met instead by the National Congress which authorized a communal title in 1915. The title was registered by the municipality of Tegucigalpa in the following year.

In a period of over 40 years beginning in 1916, several settlements sprang up in the formerly cultivated land of this ejido, as their communities became gradually integrated into the economy of the city. Some of these settlements, called barrios and fraccionamientos, were undertaken by either the municipality, the DC (15), in charge of administering the ejido title or by the hacienda landlords.

There is no single pattern of negotiation that took place between the community, the DC and landlords. Land in this ejido has been acquired through several methods ranging from direct negotiations between the community and hacienda landlords, to outright invasion. Typically, land subdivision in this ejido has occurred at the request of individuals in the community from the hacienda landlords. In some cases, the community purchased the land. In other cases, the DC has subdivided part of the land granted by hacienda landlords, at the petition of the community board, the patronato which represents the community in the city government.

(15). Since Independence, the city government has changed its name from "Alcaldia" to "Municipalidad", to "Distrito Central", (DC), in 1938, to "Concejo Metropolitano del Distrito Central", (CMDC), in 1975.

National authorities, such as the Ministry of Justice, intervened in cases of invasion mediating between the community and the hacienda landlords. The Ministry of Justice and Government, settled a dispute between the community board of each aldea and the hacienda landlords in 1960. The community board requested from the DC the adjoining lands to house their growing population. As the DC was unable to respond to this petition, the community board resorted to the Ministry of Justice for support. The Judiciary served as the mediator between landlords of both haciendas to meet the community's requests. Landlords of both haciendas resolved the conflict, donating to the community some of the adjoining land the community requested. Yet, landlords assigned the transfer of this land to the DC. The dispute remained unsettled since the DC transferred less than 6% of the total donation in 1975. The 94% of this donation remained unchecked by the DC and was later acquired by private parties.

While the dispute has remained unsettled due to the ineffective administration of the DC, the communities have prompted many invasions in the area, since 1975. Invasions occur to reclaim both the land rights assigned to the community in 1915, and the land the DC failed to transfer to the community since 1960. These invasions are usually sponsored by several agents including political parties, university students and labour unions. Recent migrants often join local communities in invading these lands. These groups join the invasion to solve their housing problem.

As in previous occasions, invaders use the invasion method to negotiate the land price directly with the hacienda landowners. The communities organized around the Board, have often been able to negotiate the land in good terms, purchasing the land at a price suitable to their economic situation.

CASE #3: INVASIONS ALONG THE REGIONAL HIGHWAYS

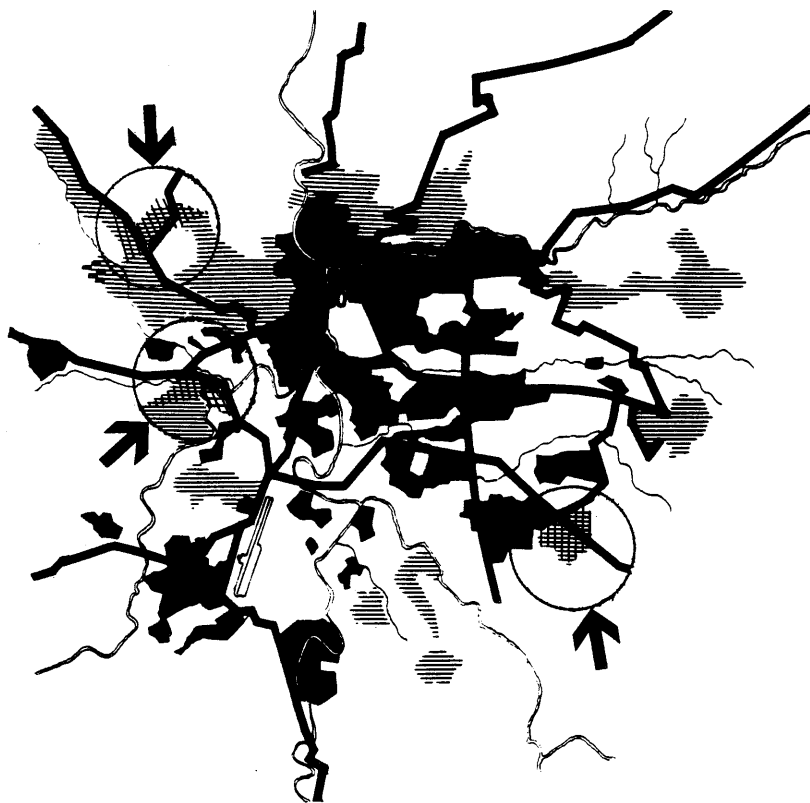
Land invasion in the mid-seventies occurred as a result of three factors. The first factor was the steady migration resulting from increased activities in the building industry. The second factor was political. Political parties encouraged invasions as part of their campaigning platforms. The third factor was the increase in dispute over the ownership of ejido lands at the periphery.

The three factors are interwoven. Migrants in finding limited opportunities in the landmarket, resort to invasion with the covert support of political activists. The political base on which migrants rely on includes: political parties, labour unions, federation of community boards, and university students. Over thirty invasions along the city's regional highways, (16), (see map #5), and other parts of the city, are attributed to both political campaigning and the

(16). These highways are: "Carretera a Santa Lucia", "Carretera al Zamorano/Danli", Carretera a Rio Hondo/El Norte", and "Carretera a Talanga".

MAP No5

TEGUCIGALPA CITY



INVASIONS ALONG HIGHWAYS

strengthening of labour unions and community organizations.

These organizations led migrant populations to reclaim ejido lands incorporated into the urban limits of the city from 1976 on. These organizations inform low-income groups about the nature and public function of ejido lands, thus encouraging migrants to assert their social right to a public good and reject the acquisition of ejidos by private parties.

Invasions motivated by the renewed dispute of ejidos, occurred along the highways linking Tegucigalpa with its rural hinterland. The dispute over the ejido lands centered on lands belonging to the old ejido of "Comayaguela". The fragmentation and privatization of this ejido has occurred since the early century. Yet, in the late seventies, political activists organized invasions along the highway linking Tegucigalpa to "Talanga", to challenge the acquisition of these ejido properties by private individuals.

Political activists informed the Federation of community boards about the process by which middle-landlords documented their possessions. Eventually, middle-landlords sold parcels of their property to either private individuals or government agencies, to escape the threat of invasion.

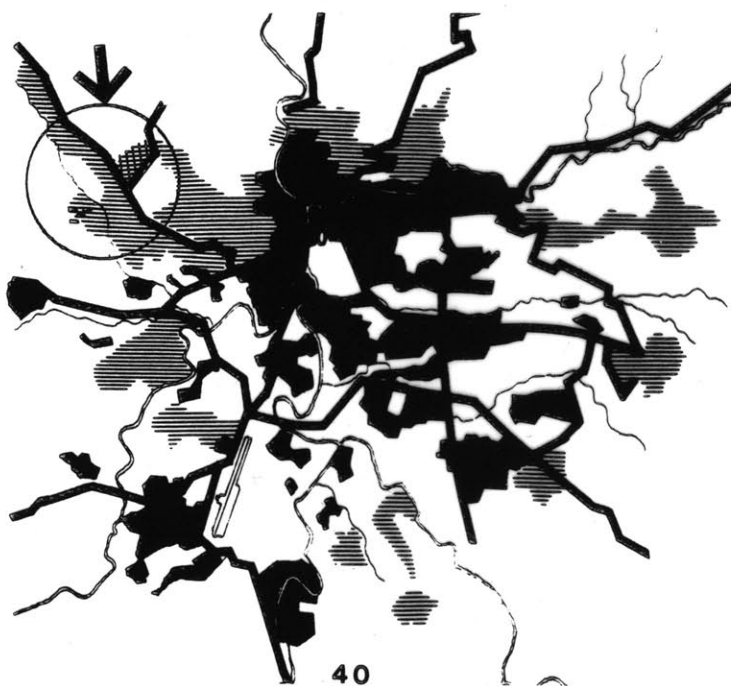
Two invasions, "Las Pavas" and "Amate", illustrates the invasion of low-income groups on public lands, (17), (see photo #2). The community board of these groups invaded a

(17). This invasion took place in a former ejido land, eventually acquired by private parties and lately acquired by INVA.

PHOTO No 2

1 INVASION "AMATE"

2 ALDEA "EL CARRIZAL"



site held by the National Housing Agency, (INVA). These groups had the support of political organizations. Activists of the Federation of Community Boards informed invaders about the legal situation of the land they intended to invade. The promoter rewarded the invaders with a plot on the site while requesting from them a fixed fee and the commitment to remain in the site until the threat of eviction was withdrawn.

The invasion was tolerated by the authorities. INVA eventually negotiated the settlement with the invaders, later INVA provided technical assistance from its social service Department, helping to organize the community to improve their settlement and bringing water and electricity to the site. It is the tolerance of public authorities that encourage established members of invasion settlements to continue invading the adjoining lands. The invasion of "Colonia Villafranca" was initiated by the community boards of both the "Amate and "Las Pavas". But the land they invaded was privately held. The landowner challenged the invasion, although he failed to prove the ownership of the land. There are several claimants over the ownership of this site having legal titles. Yet, the confusion about the actual and true owner is compounded because the claimants's titles derive from different properties, making it difficult to establish the rights of each claimant.

The invaders negotiated with the landlord over compensation. However, the landlord refused to accept the

offer and contrary to an appraisal of the DC, the landlord contended that the land had a higher value than the amount the invaders offered. The dispute has remained unsettled as no agreement has been reached. This situation has left the invaders under the threat of eviction, even when utility companies, the DC and INVA, have provided the site with electricity and water services

CONCLUSIONS

Illegal land acquisition takes place on ejido lands in Tegucigalpa due to the ambiguity in legally defining the "social function" of ejido, overlapping administrative responsibility of ejido land, and the government's lack of clarity on the role of ejido lands in the urban context.

Low-income groups have limited opportunities in government programs. However, through invasion, low-income groups can gain access to land. These groups legitimize invasion by reviving the communal concept of ejido land. Political organizations exploit the ambiguity of the legal status of ejidos, encouraging low-income groups to invade these lands held under varying tenure situations. Invasion merges the ambiguity of the law with the cultural concept of free-access to land.

Simultaneously, agrarian and administrative laws support the cultural value of ejido lands by evoking its social function. However, these laws define ejidos's social function ambiguously. Both the city government, CMDC, and the National Agrarian Institute (INA), have laws defining ejidos's social function with different criteria. The CMDC defines "social function" by defining under what conditions land is not performing its social function. These conditions refer to situations when ejido lands are vacant, illegally subdivided and serviced, and subject to landslides. To INA, ejidos are providing a social function when they are

being used for agriculture. The ambiguity of the legal definition of the social function of ejido lands is compounded by overlapping jurisdiction of institutions dealing with the administration of ejidos. Some ejido lands contained within the city's urban limits are still under the jurisdiction of INA. The lack of administrative instruments needed to transfer urban ejido lands to the CMDC restrict the jurisdiction of the CMDC law governing ejido lands.

The urban history of ejido lands, specifically the development of overlapping uses and conflicting ownerships, affects the value of land in the City. The agrarian law fails to state the urban function of ejido lands in metropolitan areas. This allows middle-landlords to maintain their possession of ejido lands at the periphery of the city by claiming that they were being cultivated. In so doing middle-landlords constrain the supply of land for residential uses while preventing the CMDC to decide on the use of these lands.

Conflicting ownership lowers land values in two ways. First, it prompts landowners to sell the land illegally, avoiding the lengthy judiciary process of clarifying actual ownership. Second, it encourages landowners to subdivide their land illegally, anticipating the threat of invasion by low-income groups. Illegal land subdivisions benefit both landlords and low-income communities. Landlords extract land rent with minimum capital investment; they escape city regulations and do not provide basic services and

infrastructure. Low-income groups receive land at low-cost through invasion and their presence automatically lowers land values.

The political network of organizations, parties, and community boards support the actions of both invaders and illegal developers. Political connections enable developers to escape the government requirements for provision of basic services. It is the pressure from the community boards which leads utility companies and city authorities to legitimate the process of illegal land acquisition by providing basic services and helping the invaders to upgrade their settlements.

Low-income groups demand access to ejido lands because it is considered a public good whose social function they equate with a right to own it. The National government, through The Agrarian Institute (INA) and the city Government (CMDC), should allocate these ejidos to low-income groups. Yet, the process of ejido privatization is not contradictory to a social function because middle-landlords have subdivided the land for use by low-income groups. Illegal land subdivisions provide a housing alternative to low-income groups. This alternative is however, not the optimal one since the subdivisions are not provided with basic services. Illegal subdivisions usually take place in sites where the provision of services and road infrastructure is either technically irrational or requires large capital investments. The city government, as well as housing agencies work on

small budget; they are unable to commit their limited resources to all illegal settlements in the city.

City authorities should therefore, control the sprawl of illegal land subdivisions and invasions to allow the city to grow in an ordered and planned process. This control calls for long-run and short term land-use planning. Short-term planning policy recommendations concern existing unserviced, illegal subdivisions and invasions. Long-run planning concerns the development of ejido lands at the periphery of the city.

SHORT TERM PLANNING

Short term planning in land development falls into the area of housing upgrading. During the last decade, low-income populations living in illegal subdivisions or invasion settlements, have put an additional pressure on services such as water, electricity and sewage. This demand for services calls for a switch in emphasis on housing provision from construction oriented policies to service provision. Service oriented policies should consider the following aspects:

- 1) Securing tenure for the majority of households in invasion settlements.
- 2) Assigning top priority to trunk infrastructure programming and capital investments within illegal settlements.

3) Extending credit mechanisms in the housing sector both for upgrading and for housing construction in illegal settlements.

4) Extending technical assistance in the areas of settlement design, housing construction, community organization and legal aid.

Upgrading programs, will improve the living conditions of a large percentage of low-income groups, and allow the city government to incorporate these populations into the city's tax base. Yet, city authorities should supplement a service oriented policy with a long-term policy on ejido lands. Revising the role of the city government in planning for the use of ejido lands is central to access to land by low-income groups.

LONG RUN PLANNING

Currently, the CMDC lacks the technical capacity to administer ejido lands for urban uses. The social function of ejido lands needs to be translated into an urban function through institutions which are able to allocate ejido lands according to population growth projections and other urban land requirements.

To increase the technical capability of the CMDC will require an urban development law which would assign top priority to the efficient allocation of ejido lands. In achieving efficiency goals, the CMDC would assume a developer

role controlling the development and servicing of ejido lands within the boundary of the city. As a developer, the CMDC will be able to finance service and infrastructure provision in all lands having a potential for residential use.

An urban development law prescribing urban uses for ejido lands would allow the CMDC to acquire the "development rights" over these lands. The CMDC would make the most efficient allocation of these lands based on its own projection needs and programs. In using its "rights of developments", the CMDC would earmark areas for residential developments. These developments may be undertaken either by ejido landholders or the CMDC. In other words, the CMDC will assign ejido lands for low-income housing while allowing landholders to retain the rights of possession over ejido lands, leased to them by the National Agrarian Institute (INA). The right to retain ejido land must be based on a valuation system establishing land prices and a compensation mechanism. A compensation mechanism would allow landholders to purchase ejido lands while supplying this land for low-cost housing. Yet, the valuation system needs to be supplemented with cadastral and registry offices controlling the efficient allocation of land for tax-purposes and avoiding ownership disputes.

In a second alternative, the CMDC would purchase the ejido land from the landholders, compensating them for the improvements made on their sites according to the valuation

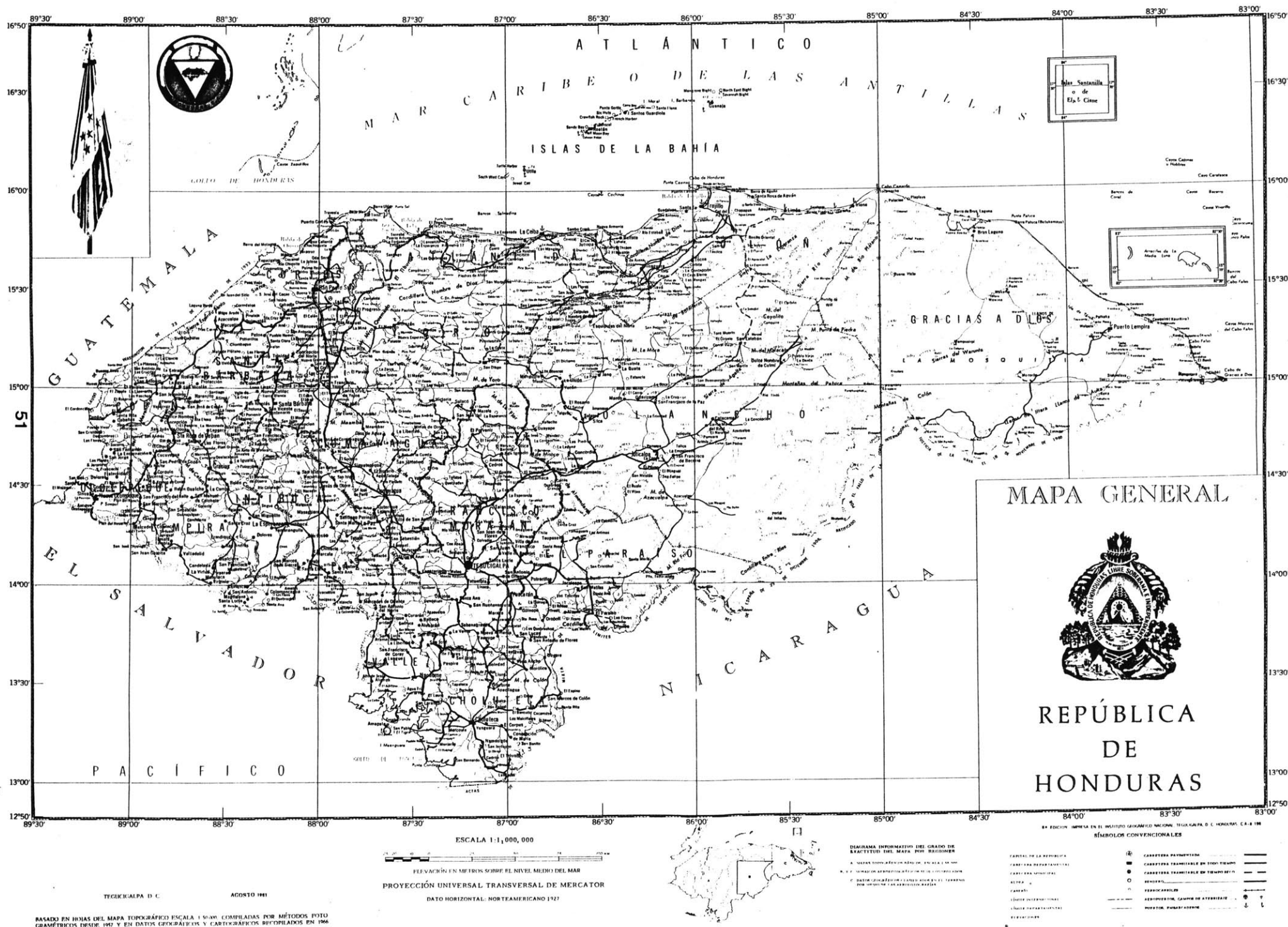
would assume an entrepreneurial role, producing and allocating serviced land.

Yet, this alternative needs to be assessed against administrative costs resulting from the organization of the CMDC as a Development corporation. Given the potential increase in administrative costs resulting from the CMDC assuming a developer role, landholders developing their own land for low-income groups is a more feasible strategy. Private landowners would be able to develop the land for low-income groups if the CMDC was able to negotiate low land prices. This would make it attractive to landholders to engage in housing developments.

Yet, the ability of private landowners to provide this land for low-income developments is dependent upon the use of flexible urbanization regulations which will lower standards. These standards should allow the gradual provision of basic services, without forcing developers to provide all infrastructure and services at once. Lower standards would allow a larger number of landholders with no access to capital finance, to engage in low-cost developments. Increased land supply, would then, generate a wider range of opportunities for low-income groups in formally acquiring land in Tegucigalpa.

The viability of the above policy recommendations is currently dependent upon both the legal and administrative systems governing ejido lands. The ineffective administration

of ejido lands will continue to encourage land invasion and illegal land subdivisions unless, the function of ejido lands is redefined for the urban context. This redefinition implies the integration of ejido lands into a legal framework stating its specific role in the urban development law. This law would assure a long-term supply of land in Tegucigalpa for all urban uses.



BASADO EN HOJAS DEL MAPA TOPOGRÁFICO ESCALA 1:50,000 COMPILADAS POR MÉTODOS FOTOGRAMÉTRICOS DESDE 1957 Y EN DATOS GEOGRÁFICOS Y CARTOGRAFICOS RECOPIADOS EN 1966

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